

REMARKS**Status of the Claims**

Claims 1-10 have been amended and new claims 11 and 12 have been added. The amendments to claims 1-10 and the addition of new claims do not introduce prohibited new matter.

Claims 1, 6, and 9 have been amended to move “or a salt, solvate or pro-drug” from the last line of the claim to the first line of the claim for clarity.

Claims 1, 4, 9, and 10 have been amended to delete “independently” before “optionally” which is redundant.

Claims 2-5, 7, and 8 which are dependent claims have been amended to replace “A” with “The” for clarity.

Claims 2-5 and 8 have been amended to insert “or a salt, solvate or pro-drug” for clarity. Support can be found in the claim from which claims 2-5 and 8 depend.

Claim 9 has been amended to replace “A process” with “A method” and to replace “which process comprises” with “wherein the method comprises” for clarity. Claim 9 has also been amended to insert “and/or” after the optional steps (i) and (ii) for clarity. Support for this amendment can be found in claim 9 as originally filed.

Claims 9 and 10 have been amended to correct an inadvertent typographical error by replacing “R^xC(O)O” “R^x-OC(O)” and to provide a value for R^x. Support for these amendments can be found on page 15, line 19 of the specification.

New claims 11 and 12 have been added. Support for the new claims can be found on page 15, lines 19 and 20.

Election/Restriction

In response to the Restriction Requirement in the Office Action, dated August 8, 2006, Applicants hereby elect with traverse, the invention of Group I, the instance wherein A is a pyridine and R³, R⁵ and R⁶ represent nonheterocyclic groups. With respect to the process of preparing (Group VI), Applicants elect with traverse the process of making the compound of Group I. With respect to the method of use (Group VII), Applicants elect with traverse the method of using the compound of Group I to treat diabetes.

The traversal is on the ground that the compounds in Groups I-V and X (claim 10) are related because these compounds all contain benzofuran in their structure. Therefore, the search performed for the compounds in Group I-V and X are related, and it would not be a serious burden for the Patent Office to search and examine the compounds in Groups I-V and X.

Also, Applicants respectfully point out that claim 10, directed to a compound of Formula (III) (which the Office Action has indicated as the invention of Group X), is an intermediate for making the compound of Formula (I) of Group I. Thus, Groups I and X are related as final products and intermediates. At a minimum, it would not be a serious burden for the Patent Office to search and examine the compounds of Groups I and X.

The traversal is also on the ground that the diseases of Group VII are related in that they are all mediated through glucokinase and that they all involve administering the compound of Group I. Thus, it would not be a serious burden for the Patent Office to search and examine all the diseases of Group VII. Accordingly, Applicants are entitled to the examination of the generic method of treatment set forth in Group VII.

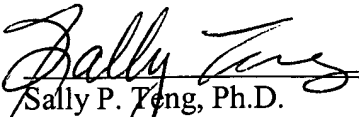
Moreover, Applicants respectfully submit that the inventions of Groups I-VII and X do not lack unity of invention because they share the same special technical feature which is the benzofuran group. Thus, the inventions of Groups I-VII and X should be searched and examined together.

At a minimum, Applicants respectfully point out that the inventions of Groups I, VI, VII, and X do not lack unity of invention because the inventions of Groups VI and VII are directed to methods of making and using the product of Group I, and Group X is directed to an intermediate for making the product of Group I. Accordingly, at a minimum, the inventions of Groups I, VI, VII, and X should be searched and examined together.

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,
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